

REMARKS

Reconsideration and allowance of this application are respectfully requested.

By this paper, claims 1 and 9 are amended. Support for the subject matter added to claims 1 and 9 can be found, for example, on page 7, lines 22-28 of the disclosure.

Claims 1, 4, 9, and 10 remain pending. Claims 2, 3, and 5-8 were previously cancelled.

Rejections Under 35 U.S.C. §112

Claims 1 and 4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection. However, in an effort to expedite prosecution claim 1 has been amended to address these concerns. Withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 4, 9, and 10 are rejected under 35 U.S.C. §102(b) as anticipated by *Osamu et al* (Japanese Publication No. 06-176870). Applicants respectfully traverse this rejection.

Contrary to the assertions made in the Office Action, *Osamu* fails to anticipate Applicants' claims because it does not teach every element recited therein. Particularly, *Osamu* fails to disclose a metal film on a boundary between a first electrode and a first organic electrode electroluminescence layer and on a boundary between a third electrode and a second organic electroluminescence layer, as recited in Applicants' claims.

Osamu discloses an organic light emitting element having electrodes 12, 15, and 18 interposed on a transparent substrate 11. In an interview conducted on

October 25, 2007, the Examiner alleged that the electrodes 12, 15, and 18 described in *Osamu* are analogous to Applicants' claimed electrode and metal film configuration in that the horizontal portion of the electrodes (12, 15, and 18) is an electrode, and a vertical portion of these elements is a metal film. Applicants disagree. As shown in Figure 1 of *Osamu*, elements 12, 15, and 18 are not clearly formed on a boundary between the alleged electrode portion and organic layers 14 and 16. Neither does the disclosure of *Osamu* indicate that the configuration as alleged by the PTO ~~exists or is~~ ^{is suggested} desired. Moreover, *Osamu* does not disclose a metal film that is formed of a material as recited in Applicants' claims. In fact, the PTO fails to map any of the recited materials of the metal film in Applicants' claims to *Osamu* and alleges that because the claimed composition of the metal film is recited broadly, the composition of the device described in *Osamu* is interpreted broadly. This rejection is improper because regardless of the broad scope with which a claim is recited, the PTO is still required to provide evidence that each recited claim element was known prior to Applicants' filing date. Although not explicitly stated, this response by the PTO appears to rise to the level of Official Notice. Applicants hereby challenge the PTO's assertion and request that in the next communication either documented support for the PTO's position be provided or Applicants' claims be allowed.

Applicants remind the PTO that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on the above discussion, Applicants request that this rejection be withdrawn.

Conclusion

Based on the foregoing amendments and remarks, Applicants respectfully submit that claims 1, 4, 9, and 10 are allowable, and request a favorable examination and consideration of the instant application. In the event any issues remain, the Examiner is invited to contact Applicants' representative identified below.

Respectfully submitted,

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